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**UNITED STATES DISTRICT COURT,
DISTRICT OF ARIZONA**

Jeffrey Waters,)	Case No.:
)	
Plaintiff,)	COMPLAINT AND DEMAND FOR
)	JURY TRIAL
v.)	
)	(Unlawful Debt Collection Practices)
Swift Funds, LLC,)	
)	
Defendant.)	

PLAINTIFF'S COMPLAINT

Jeffrey Waters (Plaintiff), through his attorneys, Krohn & Moss, Ltd., alleges the following against Swift Funds, LLC (Defendant):

INTRODUCTION

- Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

JURISDICTION AND VENUE

- Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
- Defendant conducts business in the state of Arizona, and therefore, personal jurisdiction is established.
- Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

1 5. Declaratory relief is available pursuant to 28 *U.S.C.* 2201 and 2202.

2 **PARTIES**

3 6. Plaintiff is a natural person residing in Mesa, Arizona.

4 7. Plaintiff is a consumer as that term is defined by 15 *U.S.C.* 1692a(3), and according to
5 Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 *U.S.C.* 1692a(5).

6 8. Defendant is a debt collector as that term is defined by 15 *U.S.C.* 1692a(6), and sought
7 to collect a consumer debt from Plaintiff.

8 9. Defendant is a collection agency and conducts business in Arizona.

9 10. Defendant acted through its agents, employees, officers, members, directors, heirs,
10 successors, assigns, principals, trustees, sureties, subrogees, representatives, and
11 insurers.

12 **FACTUAL ALLEGATIONS**

13 11. Defendant constantly and continuously places collection calls to Plaintiff seeking and
14 demanding payment for an alleged debt.

15 12. In or around April 2011, Defendant threatened to sue Plaintiff if he did not pay the
16 alleged debt.

17 13. In early June 2011, Plaintiff told Defendant to stop calling and to communicate only
18 through letters; Defendant continues to call despite Plaintiff's request to stop.

19 14. On August 18, 2011, Plaintiff's attorney notified Defendant that he was represented by
20 counsel; Defendant continued to call Plaintiff despite knowing Plaintiff had an attorney.

21 15. Defendant calls from 702-796-7600 and 877-800-7878.

22 **COUNT I**

23 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

24 16. Defendant violated the FDCPA based on the following:

25 a. Defendant violated §1692c(c) of the FDCPA by contacting Plaintiff after he sent

1 a cease and desist letter.

2 b. Defendant violated §1692c(a)(2) by contacting Plaintiff once Defendant knew
3 Plaintiff was represented by an attorney with respect to the alleged debt.

4 c. Defendant violated §1692e(5) of the FDCPA by threatening to file a lawsuit
5 against Plaintiff even though Defendant does not intend to do so.

6 WHEREFORE, Plaintiff, JEFFREY WATERS, respectfully requests judgment be
7 entered against Defendant, Swift Funds, LLC, for the following:

8 17. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection
9 Practices Act,

10 18. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15
11 U.S.C. 1692k,

12 19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,
13 15 U.S.C. 1692k

14 20. Any other relief that this Honorable Court deems appropriate.

15 **DEMAND FOR JURY TRIAL**

16 Plaintiff, JEFFREY WATERS, demands a jury trial in this cause of action.

17 RESPECTFULLY SUBMITTED,

18 DATED: September 22, 2011

KROHN & MOSS, LTD.

19
20 By: /s/ Ryan Lee _____

21 Ryan Lee
22 Attorney for Plaintiff
23
24
25

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF ARIZONA

Plaintiff, JEFFREY WATERS, states as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, JEFFREY WATERS, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: 09/16/11



JEFFREY WATERS